



Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L6932/1988/11
Licence Holder	Derby Industries Pty Ltd
ACN	009 033 612
File Number	2010/002314/APP 0029077
Premises	CM Farms – Nambeelup Piggery 230 Gull Road NAMBEELUP WA 6207 Legal description – Lot 89 on Plan 741 (excluding the areas defined in Schedule 4) and Lot 109 on Plan 741 As shown in the Premises maps in Schedule 1 of the Licence
Date of Report	13 November 2025
Decision	Granted

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1. Purpose and scope of assessment

Background

Derby Industries Pty Ltd (licence holder) operates an intensive piggery known as CM Farms – Nambeelup Piggery at 6207 which is one of three licensed premises that operate in the Nambeelup area. Licence L6932/1988/11 relates to Category 2 – Intensive piggery with a production or design capacity of 17,200 SPU or 22,000 animals, under Schedule 1 of the Environmental Protection Regulations 1987. Nambeelup piggery also includes the C-Wise liquid waste facility and compost facility operated by Mushroom Exchange.

The piggery uses a combination of conventional sheds and 18 deep litter shelters (eco-shelters). Effluent from the conventional sheds is washed through slatted floors into an underfloor concrete drainage system, then flushed to a wastewater treatment plant (WWTP) for solids separation and treatment in wastewater ponds.

The eco-shelters use bedding to capture effluent, which is disposed of to a licensed waste facility every 6 to 10 weeks. The shelters are cleaned by hosing after the removal of the spent bedding and the wash water is directed to disposal pits via soil trenches.

On 24 February 2024, Environmental Protection Notice (EPN) 202402 was issued to the licence Holder in relation to odour emissions. The department undertook a compliance audit of the EPN and determined there were a few potential non-compliances. In the interim, the department is of the view that the environmental objectives are able to be addressed via a department-initiated amendment to the licence. The amendment will include a review of the licence against current processes and activities and capture process improvements identified during the department's site visits in 2024 and 2025 and additional monitoring requirements.

In completing the assessment documented in this Amendment Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2. Amendment summary

This licence amendment introduces additional regulatory controls to address environmental and public amenity concerns identified during inspections and investigations, particularly in response to odour complaints received in 2024 and 2025. The controls aim to ensure emissions and discharges are adequately managed and mitigated.

Pond and sludge management

Investigations by the department, including the EPN report, identified Ponds 1 and 2 as the primary sources of abnormal odour emissions. In response:

- Pond 2 was decommissioned in February 2025 and is currently drying out in preparation for desludging in 2026.
- Pond 3 was relined and recommissioned in February 2025 to replace Pond 2 in the wastewater treatment process.

Odour emissions are expected to decrease with the inclusion of these operational improvements.

Following the December 2024 compliance inspection, exposed sludge was observed at the surface of several ponds, contributing to unreasonable odour emissions. To address this a 'Pond Action Criteria' has been introduced, requiring desludging of any pond where sludge volume exceeds 30% of the total pond volume (excluding freeboard) and desludging must commence within 3 months of observing exposed sludge.

The condition has been added requiring the licence holder to submit a sludge management plan within 90 days of the granting of this amendment. The plan must outline monitoring procedures, operational controls, contingency measures, and safe disposal practices to minimise odour emissions and prevent environmental impacts associated with sludge build-up.

These controls are intended to prevent odour emissions from sludge exposure and ensure proactive pond management.

Eco-Shelters and Composting Tunnel Drainage

During inspections, leachate from the carcass composting tunnel and wastewater effluent from eco-shelter wash-down activities were observed discharging overland due to inadequate drainage infrastructure. To prevent uncontrolled discharges works conditions have been added requiring the Licence Holder to construct appropriate drainage infrastructure for both the eco-shelters and the composting tunnel. These works will ensure capture and containment of all wastewater effluent and leachate, reducing the risk of environmental contamination.

Monitoring and reporting

The licence holder is required to continue weekly in-field monitoring of wastewater treatment pond parameters, including oxidation reduction potential (ORP), dissolved oxygen (DO), pH, temperature, and biochemical oxygen demand (BOD₅). In addition, quarterly samples must be collected at least 45 days apart and be submitted to a NATA-accredited laboratory for analysis to verify in-field measurements.

Other amendments

Change to format and readability of the licence, removal of redundant conditions

3. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

Table 1: Consultation

Consultation method	Comments received
The department met with the licence holder on 10 September 2025 to discuss the proposed licence amendment. Licence holder was provided with a draft amendment for comment on 23/09/2025. Comment was provided on 22/10/2025. Further information on the licence holder's comments was requested on 29/10/2025 by the department via email. Requested information was provided by the licence holder on 6/11/2025.	Refer to Appendix 1

4. Conclusion

Based on the rationale in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. DWER- EPN Audit letter to Derby Industries 26 August 2025
2. DWER - Environmental Protection Notice (EPN) 202402
3. DWERTV14652~10
4. Licence Holder's comments on the draft decision provided on 22/10/2025.
5. Licence Holder's comments on the draft decision provided on 06/11/2025.

Appendix 1: Summary of Licence Holder's comments on draft conditions

Condition	Summary of Licence Holder's comment received on 6 November 2025	Department's response
Condition 2, Table 1, Item 1 (Piggery sheds) And Condition 2: Table 1, Item 2a) (Eco-shelters) 18 eco-shelters (existing condition)	"Missing infrastructure to add: 1 Ventilated Farrowing shed (added in Jan 2020)" "18 eco-shelters should be corrected to 24."	The farrowing shed and the 6 additional eco-shelters referenced are not captured under any previous approvals granted by the department. The requested change falls outside the scope of this amendment. To proceed with consideration of this addition, comprehensive information regarding their location, construction, design, and operational details must be submitted through a Licence Holder-initiated licence amendment application. The shed and eco-shelter layout map (Figure 3) provided by the Licence Holder has been added to the licence to reflect current infrastructure but the additional infrastructure will not be included in the revised infrastructure table (Table 1) at this stage.
Condition 2, Table 1, Item 3 WWTP - Operational Controls c) "All wastewater from WWTP must only be discharged to a licensed liquid waste facility or to Pond 0"	Craig Mostyn requests to add Pond 3 as an emergency backup if discharge to Pond 0 is not possible. A licensed facility would be used as a tertiary contingency if neither pond is available."	The department acknowledges that historically, the WWTP had a bypass valve discharging to Pond 2 (now decommissioned) presumably for emergency backup. The department has concerns regarding the direct discharge of wastewater from the WWTP to any aerobic ponds as this has potential to upset the treatment process and create odours and therefore will only allow direct discharge of wastewater from the WWTP to Pond 0 or from Pond 0 to a licenced liquid waste facility. Table 1 is updated to reflect this change.
Condition 2, Table 1, Item 5 (shown as 3) Operational Controls c) "A stable and continuous surface crust must be maintained on Pond 0 to minimise odour emissions and	A stable crust is not currently present on Pond 0. Craig Mostyn is awaiting technical advice to determine the cause and implement corrective actions.	Maintaining a stable crust is considered best practice (Australian Pork, 2015) and this issue must be rectified as soon as possible. The GHD Technical report suggested review of their mixer which was aerating the anerobic pond should be reviewed (pg36)

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support anaerobic treatment processes"		
Condition 2, Table 1, Item 5 (shown as 3) Operational Controls f) "The pH of the contents in Pond 0 must be maintained between 6.8 and 8	Please clarify the required monitoring frequency for this parameter (pH)	"Weekly, at least 4 days apart", as per Condition 7, Table 3
Condition 6, Table 2, Groundwater	The required monitoring 'Location', 'Frequency', and 'Method' are not specified in the Table 2	Error in editing. 'Location', 'Frequency', and 'Method' updated as per previous licence.
Condition 7, Table 3, Wastewater Treatment Pond monitoring	Ponds 1, 2, and 4 have been excluded from this table. Ponds 1 and 2 require desludging (Pond 2 is scheduled for 2026). The decision report did not provide rationale for excluding Pond 4. Can Ponds 1, 2, and 4 be re-added to the licence. The Ponds can be managed within the required Sludge Management Plan, with written approval to be obtained from DWER prior to use.	The Department does not support the reinstatement of Ponds 1 and 4 in the wastewater treatment pond monitoring table (Table 3) of the licence. Recent aerial imagery from February 2025 indicates that both ponds appear to be decommissioned and are either empty or have been filled in. As such, they are no longer considered part of the site's operational infrastructure and have been removed from the licence. Pond 2 remains listed on the licence; however, it is currently disconnected and not permitted for use. It is scheduled for desludging during Summer 2026 and will remain under non-operational conditions until it is formally recommissioned through a works approval or licence amendment application. Should there be any future intention to reinstate Ponds 1 or 4, this must be pursued through similar approvals. Until such approval is granted and the infrastructure is formally reinstated, these ponds will remain excluded from the licence.
Condition 9 "The licence holder must submit a report to the department within 21 days of the completion of any pond desludging	Can Condition 9 be integrated into the Sludge Management Plan (Conditions 4 and 5)?	Conditions 4 and 5 have been relocated to the 'Records and Reporting' section of the licence and renumbered as Conditions 8 and 9 under the sub-heading Sludge Management Plan. Condition 8 requires the submission of a comprehensive sludge

Condition	Summary of Licence Holder's comment received on 6 November 2025	Department's response
activities commenced due to an exceedance of the Pond Action Criteria in Table 3"		management plan, while Condition 9 relates specifically to the submission of a report detailing any pond desludging activities undertaken in response to an exceedance of the Pond Action Criteria outlined in Table 3. Due to the distinct nature and purpose of each requirement, the department has determined that it is appropriate to retain two separate conditions rather than integrate them into a one.
Condition 10 "The licence holder must undertake monitoring of the water balance associated with the operation of the WWTP and ponds for each monthly period etc"	Can DWER please explain the rationale for this condition? The decision report does not specify the reason for the water balance model. All ponds are HDPE-lined, so seepage should be negligible. There have been no recorded occurrences of 'site run off' Furthermore, flows between ponds are gravity-fed and extremely low, making an accurate water balance notoriously difficult to obtain for this system	Condition 10 was included to address Requirement 4.2 of EPN202402 by requiring water balance monitoring to assess the efficiency of the WWTP and pond system. Accurate flow data is essential for estimating BOD loading, evaluating treatment performance, and verifying site capacity and throughput claims. The GHD report (March 2024) highlighted limited and unreliable flow data, making assumptions necessary and increasing uncertainty in performance assessment and offsite risk management. Water balance monitoring will improve data accuracy, support infrastructure adequacy assessments, and provide reliable information for regulatory and licensing purposes.
Condition 5, Table 3 "What is the method used to measure volume of sludge in pond 0 and pond 3?"	Bathymetric Survey	Added to Table 3, column 6.